

Case No. 1:13-cr-135 (and its variations and derivatives of syntax)

UNITED STATES OF AMERICA v JOHN FALL

FILED

To: John J. McConnell, Jr. c/o 'Federal Court'
1 Exchange Terrace, Providence, Rhode-Island 02903
by way of Certified Mail 7014 2870 0002 2963 0405

2015 JAN -7 P 3: 00

FEDERAL DISTRICT COURT
DISTRICT OF RHODE ISLAND

To: John N. Kane, Jr. c/o U.S. Department of Justice, Tax Division, 601 D Street, N.W.
7th Floor, Washington, D.C. 20530 by Certified Mail 7014 2870 0002 2963 0399

From: John Joseph Fall, [a] man; c/o temporary address: 108 Princess Avenue,
Cranston, Rhode Island 02920 401-264-0556

Regarding: 1:13-cr-135 (and its variations and derivatives of syntax)
in regards to UNITED STATES OF AMERICA v JOHN J FALL

Date: January 6, 2015

Amended

**Declaration in the Nature of an Affidavit
pertaining to 'Assistance of Counsel', and Accusations**

Affirmation;

Statements of Facts;

Assistance of Counsel; My right to the supreme law of the land: the 'common law'

AFFIDAVIT/JURAT CERTIFICATE

Notice to Agent(s) is Notice to Principal(s), Notice to Principal(s) is Notice to Agent(s)

Preamble, in regards to said case 1:13-cr-135: i require all public servants with an oath to the United States of America and said John N. Kane, Jr. ("You", "Your") to protect My right to not be subject to involuntary servitude, My right to contract and not contract with whom i choose, My right to be presented with the nature and cause of accusation supported by oath or affirmation, My right to redress of grievances, My right to due process of law, My right to confront all accusers (e.g.: Plaintiff must appear with face), My right to equal protection and My right to defend i and property by way of settling all matters of controversy which affect i and/or property, solely in 'court of record' in accord to 'common law', being independent of the magistrate and without affect by acts of legislature (statutes, codes, rules, & regulations); and where **both the facts and law** are judged solely and exclusively by a 'trial by jury' in a 'court of record'; and not otherwise; (see 7th and 9th Amendment to federal Constitution (a.k.a. Article 7 and 9 of Bill of Rights) of the United States); and see Article 6 Clause 2 therein; End of preamble.

Affirmation

i, [a] man, with appellation John Joseph Fall, being duly sworn and over eighteen (18) years of age do hereby make the following statements of facts in living voice before a notary witness, as My whole and complete truth without intent to mislead, on My unlimited liability; and i will verify all the following statements of fact in living-voice in court:

Statements of facts

1. that i require said John N. Kane, Jr. and UNITED STATES OF AMERICA ("You", "Your") and any man, woman and/or actor trying to force their choice of counsel upon i, [a] man, to provide to i, a proper and responsive rebuttal to each every point in this document, under oath or affirmation as firsthand knowledge, within the sooner of a) at least 2 days prior to any hearing and or trial, or b) three (3) days from of delivery-receipt and/or tracking indicating your receipt of this document, plus one day for You to send overnight mail to i (4 days total); Cf. 'Citations re Fraud' (below);
2. For and on the record, that i make all of My statements herein and in all other 'Declarations in the nature of an Affidavit ...' which i proffer, for and on the record; and on My unlimited liability;
3. That failure of the applicable man to rebut said other 'Declarations in the nature of an Affidavit ...' which i proffer, indicates said man's full-knowing, unreserved and unconditional agreement to such point(s) and that said points stand as uncontroverted evidence;
4. That this document Amends (adds to, not replaces) **'Declaration in the Nature of an Affidavit pertaining to 'Assistance of Counsel', and Accusations'** signed by the man, John Joseph Fall, on January 5, 2015;
5. That since inception of said case, and at all times, i require all of My rights be secured and protected without exception, by all [wo]man who act as public servants, including but not limited to Clerks, Magistrates, Judges executive administrators, prosecutors and U.S. Marshalls;
6. **That since inception of said case, and at all times, i require all said public servants to obey their oaths to the federal Constitution, above all;** (Cf. Marbury vs Madison (Year 1803) ... *a law repugnant to the Constitution is void* ...);
7. **That i have never knowingly waived any of My rights, do not waive any of My rights now, and it is My unwavering intent to not waive any of My rights; and i have neither seen nor been presented with any contrary and verifiable evidence and likewise any material fact; and i believe none exists;**

NOTICE: 6th Amendment to the Federal Constitution of the United States of America (a.k.a. Article 56 of the Bill of Rights):

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Assistance of Counsel

8. That i have not, do not and will not waive 'assistance of counsel; and i have neither seen nor been presented with contrary evidence and likewise material fact; and i believe none exists; (see especially paragraphs 31., 32. and 33 below in regards to My right to 'common law';
9. i have neither seen nor been presented with verifiable evidence and likewise any material fact which demonstrates that the first BAR Association in our nation, existed prior to the year 1878, and came into being long after the federal Constitution of the United States of America with Bill of Rights, was written; and i believe none exists; Cf. http://www.americanbar.org/about_the_aba/history.html

10. That i saw the 6th amendment to the federal Constitution of the United States of America (a.k.a. "union of states") shows:

"... the accused shall enjoy the right...to have the Assistance of Counsel for his defence..."

11. That i saw that the 6th amendment to the federal Constitution of the United States of America (a.k.a. "union of states") does not show any of these words, terms and/or phrases:

attorney;
lawyer;
'officer of the court';
member of the B.A.R. association;
represent; representation; representative

12. i have neither seen nor been presented with verifiable evidence and likewise material fact, which demonstrates that a man is required to interact with any of the foregoing to assert rights; and i believe none exists;

13. That i went to the official government website http://www.almd.uscourts.gov/faqs/prose_faq.htm and i clicked on a link therein which brought me to http://www.almd.uscourts.gov/faqs/prose_faq.htm#mean where i saw:

***"... you have the right to pursue your claim(s) in court by
appearing without representation ..."***

14. That i have neither seen nor been presented with verifiable evidence and likewise material fact that there is a valid, verifiable claim, upon which relief can be granted, and supported by oath or affirmation which pertains to said case other than My "Claim: Trespass (Fraud)" see the following documents i filed into said case:

My "Claim: Trespass (Fraud) against the man, John N. Kane, Jr. which is supported by affirmation byt both of these two documents:

'Declaration in the Nature of an Affidavit for My Claim: Trespass (Fraud)' and

'Declaration in the Nature of an Affidavit for Summons to 'Fall Court", for Harm to i and Injury to My property';

and i believe none exists;

15. i have neither seen nor been presented with verifiable evidence and likewise material fact, which demonstrates the citations §7212, §7201 and §7206 which are shown in the [fraudulent] "INDICTMENT" in said case, are other than **penal statutes**; and i believe none exists;
16. i have neither seen nor been presented with verifiable evidence and likewise material fact, which demonstrates the [fraudulent] "INDICTMENT" in said case shows any law or imitation of law other than **penal statutes** §7212, §7201 and §7206; and i believe none exists;
17. i have neither seen nor been presented with verifiable evidence and likewise material fact, which demonstrates that any of said **penal statutes** are enacted by Congress and signed into law, and supported by specified sections in the Code of Federal Regulations being published in the Federal Register;
18. i have neither seen nor been presented with verifiable evidence and likewise material fact, which demonstrates that any of said **penal statutes** creates any kind of duty upon i, [a] man; and i believe none exists;
19. i have neither seen nor been presented with verifiable evidence and likewise material fact, which demonstrates it is possible to violate and/or breach any of said **penal statutes**; and i believe none exists;
20. **i have neither seen nor been presented with verifiable evidence and likewise material fact, which demonstrates that any of said penal statutes equates to a 'claim stated upon which relief can be granted';** and i believe none exists;
21. That is impossible for i, [a] man to defend i and property while the [fraudulent] "INDICTMENT" **shows only penal statutes**; and i have neither seen nor been presented with contrary and verifiable evidence and likewise material fact; and i believe none exists;
22. That is impossible to obtain My choice of 'assistance of counsel' who specializes, while the [fraudulent] "INDICTMENT" **shows only penal statutes**; and i have neither seen nor been presented with contrary evidence and likewise material fact; and i believe none exists;
23. **That the said [fraudulent] "INDICTMENT" shows no claim upon which relief can be granted;** and i have neither seen nor been presented with contrary and verifiable evidence and likewise material fact; and i believe none exists;
- ➔ 24. i therefore challenge subject matter jurisdiction in this matter of said case;
25. That it is impossible to defend (guard) i and My property (which includes but is not limited to My rights) and to obtain 'assistance of counsel' who specializes, while the **nature and cause of the accusation** has been and remains concealed from i: and i have neither seen nor been presented with any contrary and verifiable evidence and likewise any material fact; and i believe none exists; Cf. 6th amendment (above);
26. That the nature and cause of the liability for each charge in the "INDICTMENT" has been and remains concealed from i since, i do not know if the liability alleged and/or implied is based on a contract and/or a specified section in a Public Law enacted by Congress and signed into law, and enforced by a specified section in the Code of Federal Regulations published in the Federal Register; and i have neither seen nor been presented with any contrary and verifiable evidence and likewise any material fact; and i believe none exists;

27. That it is impossible to defend (guard) i and My property and to obtain 'assistance of counsel' who specializes, while the accuser's and the witness' affidavits (or like statements) supported by oath or affirmation, as presented to the Grand Jury, are concealed from i; and i have neither seen nor been presented with any contrary and verifiable evidence and likewise any material fact; and i believe none exists; Cf. 6th Amendment (above) regarding My right to confront witnesses;
28. That i have not been presented with the accuser's and the witness' affidavits (or like statements) supported by oath or affirmation, as presented to the Grand Jury; and i have neither seen nor been presented with any contrary and verifiable evidence and likewise any material fact; and i believe none exists;
29. That it is impossible to defend (guard) i and My property, while either the accuser's identity and postal address are concealed from i to depose, or, accuser does not appear with face, for My cross-examination; and i have neither seen nor been presented with any contrary and verifiable evidence and likewise any material fact; and i believe none exists;
30. That i have made written request multiple times to the man, David DiMarzio who sometimes acts as Clerk and the man, John N. Kane who sometimes acts as prosecutor, for said identity and postal address; and My requests were ignored and dishonored (no proper response came forth); and i have neither seen nor been presented with any contrary and verifiable evidence and likewise any material fact; and i believe none exists;

My right to the supreme law of the land: the 'common law'

31. i have neither seen nor been presented with verifiable evidence and likewise any material fact, which demonstrates that the 'common law' is other than the supreme law of the land (our nation), and i believe none exists;

See 7th and 9th Amendment to federal Constitution (a.k.a. Article 7 and 9 of Bill of Rights) of the United States); and see Article 6 Clause 2 therein;
32. i have neither seen nor been presented with verifiable evidence and likewise any material fact, which demonstrates My right to the 'common law' can be affected, hindered and/or obstructed by a Magistrate (/Judge/executive administrator) and/or statutes; and i believe none exists;
33. That at all times, for all matters of controversy which affect i and/or My property, i require (by right and authority) a 'court of record' in accord to 'common law', being independent of the magistrate and without affect by acts of legislature (statutes, codes, rules, & regulations), where **both the facts and law** are judged solely and exclusively by a 'trial by jury'; and not otherwise; and i have neither seen nor been presented with verifiable evidence and likewise any material fact which demonstrates said 'common law' is not My right and secured by the federal Constitution to the United States of America (a.k.a. "union of states); and i believe none exists;
34. i have neither seen nor been presented with evidence and likewise material fact which contradicts the substance of any of the foregoing statements 1-33; and i believe none exists'

Dispute

See all disputes i wrote in '**Declaration in the Nature of an Affidavit pertaining to 'Assistance of Counsel', and Accusations'** signed by the man, John Joseph Fall, on January 5, 2015;

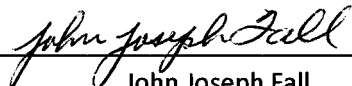

Conclusion

See all thoughts i wrote under "Conclusion" in '**Declaration in the Nature of an Affidavit pertaining to 'Assistance of Counsel', and Accusations'** signed by the man, John Joseph Fall, on January 5, 2015;

FOR THE RECORD, I, [A] MAN, REQUIRE A PROPER RESPONSE TO ALL POINTS ABOVE, IN THIS **'AMENDED Declaration in the Nature of an Affidavit pertaining to 'Assistance of Counsel', and Accusations';** IN REGARDS TO 1:13-CR-135 (AND ITS VARIATIONS AND DERIVATIVES OF SYNTAX) "UNITED STATES OF AMERICA V JOHN J FALL"; AS STATED ABOVE, THROUGHOUT THIS AFFIDAVIT, containing pages 1-7.

There are **THIRTY FOUR (34)** statements of facts numbered within in the foregoing pages of this **SEVEN (7)** page document titled '**Amended Declaration in the Nature of an Affidavit pertaining to 'Assistance of Counsel', and Accusations'**'; thus i require said John N. Kane, Jr. and 'UNITED STATES OF AMERICA' must rebut **all 34 statements** point-by-point and send to i within the sooner of: a) at least 2 days prior to any hearing and or trial, or b) three (3) days from of delivery-receipt and/or tracking indicating your receipt of this document, plus one day to send said rebut[tal] by overnight mail to i (4 days total); Failure to provide to i, said rebut[tal] as said, indicates Your full-knowing, unreserved and unconditional agreement to such point(s) and that said points stand as uncontroverted evidence;

i, [a] man now affix my signature to these affirmations.

By:  
John Joseph Fall 1/7/15 (SEAL)

This verifiable certificate is part of 7-page document (including this page), dated January 6, 2014, titled:

'Amended Declaration in the Nature of an Affidavit pertaining to 'Assistance of Counsel', and Accusations'

AFFIDAVIT/JURAT CERTIFICATE

County of Providence } ss.

State of Rhode Island }

On this 7th day of January, 2015, before me, the undersigned notary public, personally appeared the man, John Joseph Fall, who i verify proved to me through satisfactory evidence of identification, which were driver's license with his photograph, to be the man who signed the preceding or attached document in my presence, **and who swore or affirmed in living-voice to me that the contents of the document are truthful, accurate and without intent to mislead to the best of his knowledge and belief.**

Sandy L. Paul

Printed Name: Sandy L. Paul, Notary Public

My Commission Expires: 05/27/2018